

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6816

BILL NUMBER: SB 215

DATE PREPARED: Jan 28, 1999

BILL AMENDED: Jan 28, 1999

SUBJECT: Siting of telecommunications towers.

FISCAL ANALYST: Beverly Holloway

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill allows a municipality or county that exercises or does not exercise planning and zoning powers to regulate the placement, construction, and modification of a telecommunications tower is: (1) placed, constructed, or substantially modified after May 8, 1999; and (2) for which local approval has not been obtained before May 8, 1999.

If a person must obtain permission: (1) from a zoning authority to place or construct a telecommunications tower in a location where the tower is not a permitted use; or (2) from a local unit to place or construct a telecommunications tower, the person must provide notice by certified mail to each owner of real property that is contiguous to, or not more than 100 feet from, the real property where the tower will be located and to each airport located within five miles of the proposed location of the tower.

The bill provides additional notice requirements.

This bill specifies that the requirements for telecommunications towers apply to telecommunications towers that are placed, constructed, or modified after May 8, 1999.

A person applying for a permit to place, construct, or modify a telecommunications tower may appeal the decision of the local unit to the Indiana Utility Regulatory Commission.

The law does not affect a person's right under federal law to appeal the decision of the local unit to a court.

This bill provides that Indiana law concerning the regulation of tall structures or a local airspace ordinance, supersedes this act in the event of a conflict.

Effective Date: Upon passage.

Explanation of State Expenditures: This bill provides that a person applying for a permit to place, construct, or modify a telecommunications tower may appeal the decision of the local unit to the Indiana Utility Regulatory Commission (IURC). This can be done within the existing budget of the IURC and does not require an additional general fund appropriation.

Explanation of State Revenues:

Explanation of Local Expenditures: Currently telecommunications towers are not regulated by any entity. This bill allows a municipality or county, that does not have planning and zoning powers, to regulate a telecommunications tower. The regulation of such towers does not apply to the buildings or structures of a public utility, whether publicly or privately owned, or the use of land by a public utility for the operation of its business. Additionally, this bill does not confer power on a local unit with respect to the maintenance or use of a telecommunications tower or change or alteration that would not substantially increase the tower's height.

Explanation of Local Revenues: This bill provides that a local unit **may** require a person to obtain a permit from the legislative body before placing, constructing, or modifying a telecommunications tower. The local unit **may** collect a reasonable fee for the issuance of the permit. The fiscal impact of this provision is dependent on local action.

State Agencies Affected: Indiana Utility Regulatory Commission.

Local Agencies Affected: Municipality or county.

Information Sources: Randy Clemens, General Counsel, IURC, (317) 232-2737.